

**DEPARTMENT OF VETERANS AFFAIRS**

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**NOTICE OF PROPOSED RULEMAKING  
TITLE 12, CALIFORNIA CODE OF REGULATIONS,  
CHAPTER 4, SUBCHAPTER 1,  
AMEND SECTION 503  
REGARDING DEFINITIONS OF LEVELS OF CARE;  
CALIFORNIA VETERANS HOME**

**NATURE OF PROCEEDING**

NOTICE IS HEREBY GIVEN that the California Department of Veterans Affairs (CDVA) is proposing to take the action described in the Informative Digest.

**NO PUBLIC HEARING**

No public hearing is scheduled for this rulemaking. However, any interested person, or his or her duly authorized representative, may request a public hearing no later than 15 days prior to the close of the written comment period.

**WRITTEN COMMENT PERIOD**

NOTICE IS ALSO GIVEN that any interested person, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to:

The California Department of Veterans Affairs  
Office of the Chief Counsel  
1227 O Street, Suite 306  
Sacramento, California 95814  
Attention: John Ruocco

Comments may also be submitted by facsimile to (916) 653-2454 or by e-mail to: [john.ruocco@cdva.ca.gov](mailto:john.ruocco@cdva.ca.gov). Comments must be submitted prior to 5:00 p.m. on November 3, 2008.

Following the comment period, the CDVA may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

## **AUTHORITY AND REFERENCE**

Sections 700, 1012 and 1044 of the California Military and Veterans Code authorize the CDVA to adopt this proposed regulatory amendment. The proposed amendment implements, interprets, and makes specific section 1044 of the California Military and Veterans Code. The CDVA is considering changes to Division 2 of Title 12, Chapter 4, Subchapter 1 of the California Code of Regulations as follows: Amendment of section 503.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The CDVA operates and maintains the Veterans Homes of California with veterans homes currently providing care to eligible veterans and their spouses in Yountville, Chula Vista and Barstow, California. (Military and Veterans Code sections 1011 et seq.) These veterans homes provide different levels of care ranging from domiciliary care, where a resident is able to take care of his or her own daily activities, to skilled nursing care, where a resident requires 24/7 licensed care.

Existing law provides that the Home Administrators, in accordance with the policies adopted by the California Veterans Board and subject to the direction of the director, may adopt rules and regulations governing the admission of applicants to the home. (Military and Veterans Code section 1044.) Existing regulations place limitations upon Home Administrators directly admitting outside applicants to higher levels of care at the veterans homes. (Title 12, California Code of Regulations section 503.)

The proposed amendment deletes limitations on the admission of outside applicants in order to return flexibility to Home Administrators to maintain the census while conserving space for residents at the existing homes and to populate and maintain the census at the new veterans homes which will be opening in West Los Angeles, Lancaster, Saticoy, Fresno and Redding, California beginning 2009.

In addition, in subdivision (a), the original reference to the California Department of Health Services will be changed to the California Department of Public Health to reflect a change in that agency's name, and references to services at various homes have been stricken as they may no longer be accurate or are superfluous. The latter changes do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision.

There are no comparable provisions of federal law related to this proposal.

## **LOCAL MANDATE**

This proposal does not impose a mandate on local agencies or school districts.

## **FISCAL IMPACT ESTIMATES**

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary costs or savings on

## **HONORING CALIFORNIA'S VETERANS**

local agencies. This proposal does not result in any costs or savings in federal funding to the state.

## **COSTS OR SAVINGS TO STATE AGENCIES**

This proposal does not result in any costs or savings to state agencies.

## **BUSINESS IMPACT/SMALL BUSINESSES**

Pursuant to section 11346.3, subd. (b) of the California Government Code, the CDVA has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by section 11342.610. The determination that the proposal would not affect small business is based upon the fact that the proposal's primary purpose is to remove restraints upon admission to Residential Care (Licensed) and Skilled Nursing Care for applicants currently residing outside of the Home. It has no discernable impact at all on any entity that is not a state agency as defined in section 11000 of the California Government Code.

## **ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES**

Pursuant to section 11346.3, subd. (b), of the California Government Code, the CDVA has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

## **COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS**

The CDVA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## **EFFECT ON HOUSING COSTS**

None.

## **ALTERNATIVES CONSIDERED**

The CDVA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The CDVA invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period or at a public hearing if one is held.

## **CONTACT PERSONS**

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to: Chief Counsel Robert Wilson, California Department of Veterans Affairs, 1227 O Street, Suite 306, Sacramento, CA 95814; (916) 654-7022 or Senior Staff Counsel John Ruocco, California

Department of Veterans Affairs, 1227 O Street, Suite 306, Sacramento, CA 95814; (916) 653-1394.

## **INITIAL STATEMENT OF REASONS AND INFORMATION**

The CDVA has prepared an initial statement of the reasons for the proposed action and has available all of the information upon which the proposal is based.

## **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the California Department of Veterans Affairs at 1227 O Street, Suite 306, Sacramento, CA 95814. These documents may also be viewed and downloaded from the CDVA website at [www.cdva.ca.gov](http://www.cdva.ca.gov).

## **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All of the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the persons named above.

You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact persons named above.

## **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the CDVA may adopt the proposed regulation substantially as described in this notice. If the CDVA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the CDVA adopts the regulation as revised. Please send requests for copies of any modified regulations to the attention of Chief Counsel Robert Wilson at the address indicated above. The CDVA will accept comments on the modified regulations for 15 days after the date on which they are made available.

## **WEBSITE ACCESS**

Materials regarding this proposal can be found at <http://www.cdva.ca.gov>.